

## REMARKS

### Information Disclosure Statement.

The Applicants submit herewith a Supplemental Information Disclosure Statement and a copy of Lowman et al. (1991).

### Objections to the Specification

The Examiner objects to the specification for lack of sequence identifiers. The amino acid sequences provided on page 45 are segments of SEQ ID NO:2. The relevant paragraph on page 45 has been amended above to refer to SEQ ID NO:2. MPEP 2422.03 ("Sequence identifiers can also be used to discuss and/or claim parts or fragments of a properly presented sequence. For example, language such as 'residues 14 to 243 of SEQ ID NO:23' is permissible and the fragment need not be separately presented in the 'Sequence Listing.'")

Figure 9 does include sequences. Sequence identifiers for these sequences are provided in the "Brief Description of the Figures" at the paragraph beginning at page 5, line 20, as amended in the reply dated July 7, 2003:

FIG. 9 shows the alignment of INDY with homologous proteins. The most homologous proteins to the INDY protein (Genbank accession AF217399; SEQ ID NO:2) were identified by Blast. *Indy-2* is a highly homologous *Drosophila* gene (AE003728; SEQ ID NO:3). SDCT1 (AF058714; SEQ ID NO:4) and SDCT2 (AF081825; SEQ ID NO:5) are rat sodium dicarboxylate cotransporters, and hNaDC-1 (U26209; SEQ ID NO:6) is a human dicarboxylate cotransporter. The boxes indicate either identity or similarity to INDY.

(page 2 of Applicants' reply dated July 7, 2003)

MPEP 2422.02 allows for indication of the sequence identifiers in the text (particularly the "Brief Description of the Drawings") rather than in the figure proper:

It should be noted, though, that when a sequence is presented in a drawing, regardless of the format or the manner of presentation of that sequence in the drawing, the sequence must still be included in the Sequence Listing and the sequence identifier ("SEQ ID NO:X") must be used, **either** in the drawing **or in the Brief Description of the Drawings**. [emphasis added].

The Applicants respectfully submit that the amendments to the specification place the application in compliance with the sequence listing rules, and that the Examiner's objections can be withdrawn.

Rejections on 35 U.S.C. 112 ¶ 2

The Examiner rejected claim 61 for recitation of a term which lacked antecedent basis. Without conceding the Examiner's point, the Applicants have amended claims 61 and claims dependent therefrom to obviate the rejection.

The Examiner rejected claims 72 and 75-80 for recitation of the term "transporter-related parameter. Claim 72 has been cancelled. Claims 75-80 have been amended and no longer recite this term.

The Examiner rejected claims 51-53, 59, 60, 64-71, 83, and 84 for use of the term "interaction":

The claims are directed to methods for evaluating the "interaction" of a test molecule with a transporter polypeptide. However, it is not clear whether the claims only embody the interaction between the test molecule and the transporter polypeptide, whether the claims embody interactions between the transporter polypeptide and their binding partners, whether the claims embody interactions between the test molecule and the transporter protein binding partners, whether the claims embody all interactions or if the claims only embody some of these interactions.

(page 3 of the Office Action dated October 7, 2003)

Evaluating an interaction between a test molecule and a transporter polypeptide encompasses evaluating any interaction between the test molecule and the transporter polypeptide. In one example, the interaction is a physical interactions, as in the case of evaluating binding of the test molecule and the transporter polypeptide (See, e.g., claim 56). In another example, the interaction is functional, as in the case of evaluating an activity of the transporter polypeptide.

The Applicants note that a test compound could change the activity of the transporter polypeptide as a result of any of the interactions suggested by the Examiner.

Rejections on 35 U.S.C. 112 ¶ 1

The Examiner has rejected claims that recite a limitation based a percentage sequence identity under this paragraph. Without conceding the Examiner's arguments, the Applicants have amended the claims to expedite the issuance of claims drawn to particular species and their substantial equivalents.

Allowable Subject Matter

The Examiner has indicated that claims 31 and 82 would be allowable if rewritten in independent form including limitations of the base claims and any intervening claims. The Applicants have amended claim 31 accordingly.

The Applicants infer that, with respect to claim 82, the Examiner was referring to a claim in which the polypeptide comprises SEQ ID NO:3. The Applicants have amended claim 82 accordingly.

The Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do the applicants concede that there are not other good reasons for patentability of the presented claims or other claims. The cancellations and amendments in the claims are made without prejudice or disclaimer.

Applicant : Robert A. Reenan et al.  
Serial No. : 10/017,479  
Filed : December 12, 2001  
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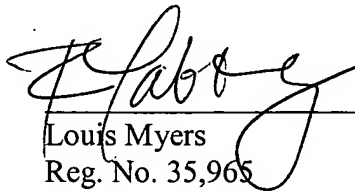
Attorney's Docket No.: 13407-012001 / 00-066

Enclosed herewith are a One-Month Petition for Extension of Time, a Supplemental Information Disclosure Statement, PTO-1449 Form, and a reference. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket number 13407-012001.

Respectfully submitted,

Date: \_\_\_\_\_

2/6/04



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